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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,776	12/21/2001	James A. Hutchison	010555	9013
23696	7590	12/16/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			PEREZ, ANGELICA	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/034,776

Applicant(s)

HUTCHISON, JAMES A.

Examiner

Angelica M. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on August 3, 2004 have been fully considered but they are not persuasive.

2. In the remarks the applicant argued in substance:

(A) In page 7, paragraph 4, lines 2-3, "Lynk and Sytevens fail to disclose or suggest transmission of a request for access to a broadcast link in a point-to-multipoint communication system, transmission of audio with the access request".

In response to argument (A), the examiner points in Stevens's reference, pages 5 and 6, lines 37 and 1-12, respectively; where the previous art indicates that audio, along with the access request, has been transmitted to the base station, from the mobil unit (e.g., "the contents of the call may be stored as a message at an intermediate point in the radio communication network. For example,...at the base stations..."; where for the content to be stored at the BS, it needs to be transmitted first, from the MU).

(B) In page 7, paragraph 4, line 4, "...termination of the audio transmission in the event the access request is denied".

In response to argument (B), the examiner points in Stevens's reference, pages 3 and 4, lines 36-37 and 1-1-3, respectively. Where the previous art suggests the existence of art where; if broadly interpreted, in the event the access request is denied, termination of the audio transmission occurs (E.g.,

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"refusing to connect a call if the communication path...is not available". Where, "refusing to connect" equates to no audio transmission).

(C) In page 7, paragraph 5, lines 1-4; e.g., "Link and Stevens also fails to disclose reception of a request to a broadcast link in a point-to-multipoint...".

In response to argument (C), the examiner points in Lynk's reference where trunked systems are point-to-multipoint or broadcast systems; and where a base station or dispatch center receives access requests from users. Column 1, lines 22-25; e.g., "A repeater receives inbound transmissions from subscriber units...and rebroadcasts the transmissions...to other units...".

(D) In page 7, paragraph 6; e.g., "...the link and Stevens reference neither disclose nor suggest an arbitration controller... a processor...".

In response to argument (D), the examiner points in Lynk's reference, figure 1, item 9, a "central trunking controller" where, inherently, trunking centers perform arbitration operations of communications systems; e.g., granting communication requests, denying communications requests".

(E) In page 10, paragraph 1; applicant points e.g., "...require that audio is transmitted without receiving an acknowledgment that the access request is granted...".

In response to argument (E), the examiner points in Stevens's reference, page 3, lines 25-35; where broadly interpreted, the audio data is transmitted to the BS or transceiver without receiving an acknowledgment that the access request is granted, connection can be effectuated straightaway or later.

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(F) In page 10, paragraph 2; applicant points that "at least a portion of the audio transmission serves as the access request".

In response to argument (F), the examiner points in Lynk's reference, column 7, lines 4-12; e.g., "a channel request...before the responding party has finished speaking"; where the responding caller's voice response corresponds to a channel or access request. The controller may grant the access while the respondent party is still speaking (portion of the audio transmission serving as access requestor).

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynk (Lynk, Charles N.; EP Application No.: 0,321,672 A2) in view of Stevens (Stevens, Robert David; GB Pub. No.: 2,336,975 A).

Regarding claims 1, 12, 13, 20, 26, 27, 33 and 34, Lynk teaches of a method, device, wireless transmitter, processor and controller (figures 2 and 3; items 21, 47 and 35, respectively; abstract, lines 1-2) comprising: transmitting and receiving a request for access to a broadcast link in a point-to-multipoint communication system (column 5, line 35-38, column 2, lines 47-54 and figure 1;

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abstract, lines 1-8; e.g., "dispatch service"); transmitting audio with the access request (columns 3 and 6, lines 44-47 and 43-47; abstract, where "a trunk radio subscriber requesting dispatch...immediately begins to speak...").

Lynk does not teach of terminating the audio transmission in the event the access request is denied and of a computer-readable medium carrying instructions.

In related art concerning a mobile radio system that supports group calls, Stevens teaches of terminating the audio transmission in the event the access request is denied (page 4, lines 1-3) and of a computer-readable medium carrying instructions that causes the processor, in a network equipment and device, to perform the method described (pages 11 and 12, lines 43-37 and 1-14, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Lynk's access request method with Stevens's terminating the audio transmission when access request is denied in order to transmit information only to the channels available in order to avoid connection delays. Also, Stevens's computer readable-medium provide the means to implement Lynk's access request method.

Regarding claims 2, 14 and 21, Lynk in view of Stevens teaches all the limitations of claims 1, 12 and 20. Lynk also teaches where transmitting audio includes transmitting the audio immediately following transmission of the access request (column 6, lines 43-47).

Regarding claims 3, 15 and 22, Lynk in view of Stevens teaches all the limitations of claims 1, 12 and 20. Lynk also teaches where transmitting audio includes transmitting the audio before receiving an acknowledgement that the access request is granted (page 5, columns 41-44).

Regarding claims 4, 16 and 23, Lynk in view of Stevens teaches all the limitations of claims 1, 12 and 20. Lynk further teaches where transmitting audio includes transmitting the audio without receiving an acknowledgement that the access request is granted (column 7, lines 5-8; where the audio is transmitted before an acknowledgement is received).

Regarding claims 5, 17, 24 and 30, Lynk in view of Stevens teaches all the limitations of claims 1, 12 and 20. Lynk further teaches where at least a portion of the audio transmission serves as the access request (column 7, lines 5-8; where a portion of the audio transmission as served as access request).

Regarding claim 6, Lynk and Stevens teach all the limitations of claim 1. Lynk further teaches comprising receiving an acknowledgement that the access request is granted during transmission of the audio (column 6, lines 44-54).

Regarding claim 7, Lynk and Stevens teach all the limitations of claim 1. Lynk further teaches of receiving the denial of the access request from an arbitration controller (column 7, lines 49-53).

Regarding claims 8 and 25, Lynk and Stevens teach all the limitations of claims 1 and 20. Lynk further teaches transmitting the audio to the broadcast link via wireless network equipment (column 3, lines 43-47; e.g., "radio").

Regarding claims 9 and 18, Lynk and Stevens teach all the limitations of claims 1 and 12. Lynk further teaches of receiving the denial of the access request from a wireless communication device in the system via a wireless base station (column 7, line 49-52; figure 1, item 10).

Regarding claims 10 and 19, Lynk and Stevens teach all the limitations of claims 1 and 12. Lynk further teaches of generating the denial of the access request within a wireless communication device that presently has access to the broadcast link (column 7, lines 49-52).

Regarding claims 11 and 31, Lynk and Stevens teach all the limitations of claims 1 and 26. Lynk further teaches of transmitting the access request in response to actuation of a push-to-talk input medium associated with a wireless communication device (column 5, lines 20-24).

Regarding claim 28, Lynk and Stevens teach all the limitations of claim 26. Lynk further teaches where the processor directs transmission of an indication that the access request is granted or denied (column 6, lines 52-54 and column 7, lines 49-52. 29).

Regarding claim 29, Lynk and Stevens teach all the limitations of claim 26. Lynk further teaches where the transmitter transmits an indication that the access request is granted or denied (column 6, lines 52-54 and column 7, lines 49-52).

Regarding claim 32, Lynk and Stevens teach all the limitations of claim 26. Stevens further teaches where the processor resides within a network server in a



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wide area network associated with network equipment in the point-to-multipoint communication system (where figure 1 represents a WAN).

Regarding claim 35, Lynk teaches of a method comprising: transmitting a request for access to a broadcast link in a point-to-multipoint communication system from a wireless communication device (column 5, line 35-38, column 2, lines 47-54 and figure 1; abstract, lines 1-8; e.g., "a trunked radio subscriber requesting dispatch service transmits a request for a channel..."); Stevens teaches of receiving audio from a user of the wireless communication device, (pages 5 and 6, lines 37 and 1-12, respectively; where the previous art indicates that audio, along with the access request, has been transmitted to the base station, from the mobil unit e.g., "the contents of the call may be stored as a message at an intermediate point in the radio communication network. For example,... at the base stations..."; where for the content to be stored at the BS, it needs to be transmitted first, from the MU); transmitting the audio from the wireless communication device before receiving an acknowledgment that the access request is granted (pages 5 and 6, lines 37 and 1-12, respectively; where the previous art indicates that audio, along with the access request, has been transmitted to the base station, from the mobil unit e.g., "the contents of the call may be stored as a message at an intermediate point in the radio communication network. For example,... at the base stations..."; where for the content to be stored at the BS, it needs to be transmitted first, from the MU. Also, transmission request and information is sent before units are available to receive the call; thus, no received acknowledgement); and terminating the audio transmission if a

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denial of the access request is received (page 4, lines 1-3; e.g., "refusing to connect" corresponding to denial access request; thus, halting transmission).

Regarding claim 36, Lynk and Stevens teach all the limitations of claim 35. Stevens further teaches where at least a portion of the audio transmission serves as the access request (columns 5 and 6, lines 37 and 12; where the call message has been sent from the mobile station to the base station and broadly interpreted, a portion of it serves as the access request).

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

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Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

  
Angelica Perez  
(Examiner)

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER

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December 2, 2004